

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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RALPH CRAYTON,

Plaintiff,

9:20-cv-834 (BKS/DJS)

v.

MARK TOLMAN, et al.,

Defendants.

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**Appearances:**

*Plaintiff pro se:*

Ralph Crayton  
Buffalo, New York 14207

*For Defendant Mark Tolman:*

Letitia James  
Attorney General of the State of New York  
John F. Moore  
Assistant Attorney General, of Counsel  
The Capitol  
Albany, New York 12224

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff Ralph Crayton commenced this civil rights action asserting claims under 42 U.S.C. § 1983 arising out of his incarceration. (Dkt. No. 1.) On March 24, 2022, Defendant Tolman filed a motion for summary judgment under Fed. R. Civ. P. 56(a) seeking to dismiss the complaint in its entirety. (Dkt. No. 33.) After receiving an extension of the time to file a response, (Dkt. No. 38), Plaintiff failed to file a response. This matter was assigned to United States Magistrate Judge Daniel J. Stewart who, on December 27, 2022, issued a Report-Recommendation and Order recommending that Defendant's motion for summary judgment be

granted. (Dkt. No. 39.) Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 39, at 12.)

Plaintiff did not file objections to the Report-Recommendation. As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

**ORDERED** that the Report-Recommendation, (Dkt. No. 39), is **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendant’s Motion for Summary Judgment, (Dkt. No. 33), is **GRANTED**; and it is further


**ORDERED** that the unidentified John Doe Defendants are **DISMISSED**; and it is further

**ORDERED**, that the Complaint, (Dkt. No. 1), is **DISMISSED**; and it is further

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: March 7, 2023  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge